

Declaration and Power of Attorney For Reissue Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a Reissue Patent is sought for the invention entitled "SOIL SAMPLE PROCURING TOOL AND ASSOCIATED METHOD OF TESTING THE SOIL SAMPLE" (Attorney Docket No. 092108-9001-01), the original specification of which was filed, with my authority, on December 1, 1997 as Application Serial No. 08/980,904 and issued as U.S. Patent No. 6,098,724 ("the '724 patent") on August 8, 2000. The corresponding reissue application being attached hereto.

I believe the original patent to be partly or wholly inoperative or invalid by reason of the patentee claiming less than the patentee had a right to claim in the patent.

One error being relied upon as the basis for reissue is the unnecessary recitation of "spaced upright legs" in some of the claims of U.S. Patent No. 6,098,724. The inclusion of this limitation in these claims is not required to patentably define over the prior art, and therefore was improperly included in the claims.

I acknowledge that all the errors being corrected in the reissue application up to the time of filing of this oath or declaration arose without any deceptive intention on my part.

I hereby state that I have reviewed and understand the contents of the above-identified reissue application, including the claims added to the '724 patent therein.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I have assigned my entire right, title, and interest to the '724 patent to U.S. Oil Company, Inc. The assignment is recorded at reel 8877, frame 0206.

And I hereby appoint David R. Price (Reg. No. 31,557), Christopher B. Austin (Reg. No. 41,592), David L. De Bruin (Reg. No. 35,489), Gerald L. Fellows (Reg. No. 36,133), Randall W. Fieldhack (Reg. No. 43,611), Joseph A. Geminiani (Reg. No. 19,482), Gregory J. Hartwig (Reg. No. 46,761), Daniel S. Jones (Reg. No. 42,697), Richard L. Kaiser (Reg. No. 46,158), Timothy M. Kelley (Reg. No. 34,201), Casimir F. Laska (Reg. No. 30,862), Edward R. Lawson, Jr. (Reg. No. 41,931), Richard H. Marschall (Reg. No. 39,290), Thomas A. Miller (Reg. No. 36,871), Kevin P. Moran (Reg. No. 37,193), Andrew R. Peret (Reg. No. 41,246), Thomas S. Reynolds II (Reg. No. 45,262), David B. Smith (Reg. No. 27,595), Derek C. Stettner (Reg. No. 37,945), Billie Jean Strandt (Reg. No. 36,940), Sheldon L. Wolfe (Reg. No. 43,996), Paul F. Donovan (Reg. No. 39,962), Jill A. Fahrlander (Reg. No. 42,518), Grady J. Frenchick (Reg. No. 29,018), Karen B. King (Reg. No. 41,898), Linda Blair Meier (Reg. No. 39,769), Teresa J. Welch (Reg. No. 33,049), Robert S. Beiser (Reg. No. 28,687), Witold A. Ziarno (Reg. No. 39,888), and each or any of them, my attorneys or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS
APPLICATION TO:

Thomas S. Reynolds II
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: Michael J. Ricker

Inventor's signature: Michael J. Ricker

Date: Sept 14/02

Residence: Green Bay, WI

Citizenship: United States of America

Post Office Address: 1871 Hazel Court

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Green Bay

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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FEBRUARY 18, 1998

MICHAEL, BEST & FRIEDRICH LLP
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Michael, Best & Friedrich LLP
RECEIVED

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FEB 26 1998

DOCKETING
MILWAUKEE, WI

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/01/1997

REEL/FRAME: 8877/0206

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

RICKER, MICHAEL J.

DOC DATE: 11/21/1997

ASSIGNEE:

U.S. OIL COMPANY, INCORPORATED
1090 KENNEDY AVENUE
KIMBERLY, WISCONSIN 54136

SERIAL NUMBER: 08980904

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

01-15-1998

RE:

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark OfficePTO
100-00000004
12/01/97

100605312

To the Assistant Commissioner for Patents. Please record and index the attached original documents or copy thereof.

1. Name of conveying party(ies):
Michael J. Ricker

MRD 12-1-97

2. Name and address of receiving party(ies):

Name: U.S. Oil Company, Incorporated

Address: 1090 Kennedy Avenue

City: Kimberly State: WI Zip: 54136

Additional name(s) & address(es) attached? Yes No

3. Nature of Conveyance: Assignment

Execution Date: November 21, 1997

4. This document is being filed together with a new application. The execution date of the application is: November 21, 1997

081980904

NO ADDITIONAL NUMBERS ATTACHED.

5. Name and address of party to whom correspondence concerning document should be mailed:

David B. Smith
Michael, Best & Friedrich LLP
Suite 3300
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41): \$ 40.00

 Enclosed Deficiencies in fee charged to Deposit Account

8. Deposit account number: 13-3080

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David B. Smith (Reg. No. 27,595)
Name of Person Signing

Signature

December 1, 1997

Date

Total number of pages including cover sheet, attachments, and document: 3

A S S I G N M E N T

For and in consideration of the sum of One Dollar (\$1.00) to me:

Michael J. Ricker
1871 Hazel Court
Green Bay, Wisconsin 54303

paid by U.S. Oil Company, Incorporated (hereinafter referred to as "Assignee"), a Wisconsin corporation having its principal place of business at:

1090 Kennedy Avenue
Kimberly, Wisconsin 54136

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, I hereby sell, assign and convey, unto Assignee, its successors and assigns, my entire right, title and interest -

(1) in and to an invention entitled "SOIL SAMPLE PROCURING TOOL AND ASSOCIATED METHOD OF TESTING THE SOIL SAMPLE" for which I have executed a United States patent application on even date herewith;

(2) in and to said United States application, in and to all other patent applications (including divisional, continuation, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

(3) in and to all patent applications on said invention now or hereafter filed in countries foreign to the United States of America, and in and to any and all patents

granted on said applications to the full end of the terms for which said patents may be granted; and

(4) under the International Convention in respect to the United States patent application and agree that any patent applications of any foreign countries which may be filed shall be filed in the name of my Assignee with a claim to priority based on said United States application.

And I hereby agree that I will, upon demand of Assignee, its successors or assigns, and without further consideration to me, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by me.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date: 11/21/97 Michael J. Ricker
Michael J. Ricker